



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,376	05/25/2001	Tadahiro Ohmi	107176-00007	1605

7590 02/04/2009
ARENT FOX KINTNER PLOTKIN & KAHN PLLC
1050 Connecticut Avenue, N.W.
Suite 400
Washington, DC 20036-5339

EXAMINER

ZERVIGON, RUDY

ART UNIT	PAPER NUMBER
----------	--------------

1792

MAIL DATE	DELIVERY MODE
-----------	---------------

02/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TADAHIRO OHMI, KAZUHIRO INO,
and TAKAHIRO ARAKAWA

Application No. 09/864,376
Technology Center 1700

Mailed: February 4, 2009

Before CAROLYN L. JOHNSON, *Supervisory Paralegal Specialist*.
JOHNSON, *Supervisory Paralegal Specialist*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 14, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

APPEAL BRIEF, STATUS OF CLAIMS

A review of the file finds that the status of the claims as provided in the Appeal Brief filed October 11, 20007 under the heading "Status of Claims" is unclear and/or is not consistent with the status of claims of record

in accordance with 37 C.F.R. § 41.37(c)(1)(iii). The status of the claims as provided in the Appeal Brief must be consistent with the last **entered** amendment. Each claim on appeal must be identified. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8th ed. Rev. 6, Sept 2007) for details.

A review of the last entered amendment finds that claims 10, 11 and 15 are cancelled; whereas Appellants have either not indicated the status of these claims. Correction of the status of all claims is required.

APPEAL BRIEF - CLAIMS APPENDIX

In the Claims Appendix of Appellants' Appeal Brief filed on October 11, 2007, claim 4 is not correct according to the latest Amendment filed on October 16, 2006. Correction is required.

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- (1) to hold the Appeal Brief filed on October 11, 2007 defective;
- (2) to notify Appellants to file a paper properly addressing the status of all claims;
- (3) to notify Appellants to submit a new Claims Appendix to correct claim 4, according to the amendment filed on October 16, 2008; and
- (4) for such further as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

CLJ

Application No. 09/864,376

ARENT, FOX, KINTNER, PLOTKIN & KAHN PLLC
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036-5339